

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, November 13, 2001 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

**Present:**

Starr  
Storrs  
Chamberlain  
Wright  
Littman  
Waller  
Reece  
Kramer (arrived 7:35 p.m.)

**Absent**

Pennington

**Also Present:**

Mark Miller, Planning Director  
Susan Lancaster, Assistant City Attorney  
Jordan Keoleian, Student Representative  
Doug Smith, Real Estate and Development Director

2. MINUTES

Moved by: Storrs

Seconded by: Mr. Starr

RESOLVED to approve the October 23, 2001 Planning Commission Special / Study Meeting Minutes.

**Yea:**

Chamberlain  
Storrs  
Starr  
Kramer

**Abstain**

Wright  
Reece  
Littman  
Waller

**Absent**

Pennington

RESOLUTION APPROVED

### 3. PUBLIC COMMENTS

There were no public comments

## **REZONING PROPOSALS**

### 4. PUBLIC HEARING - PROPOSED REZONING (Z-673) – North of Big Beaver, East Side of Wilshire, Section 21, R-C to O-S-C

Mr. Miller stated that the Burton-Katzman Company have submitted a rezoning request for their property, 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75. Current zoning classification is R-C Research Center and the proposed zoning classification is O-S-C Office Service Commercial. Petitioner appears to be assembling a number of properties to develop a high-rise office building. The Preliminary Environmental Impact Statement and Traffic Impact Study Summary are enclosed with the agenda package.

Mr. Miller further stated that the subject property is currently vacant. The adjacent land uses include: Magna International building to the north; vacant land to the south; an office development to the west, and I-75 and the City of Troy Civic Center to the east.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property is High Rise Office. The adjacent land use designations include: High Rise Office to the north and to the south, High Rise and Mid Rise Office to the west and Freeway and Community Facilities to the east.

Mr. Miller further stated that the current zoning district classification of the subject property is R-C Research Center. The adjacent zoning district classifications include: R-C Research Center to the north, O-S-C Office-Service-Commercial to the south, O-M Office Mid-Rise to the west, and I-75 and C-F Community Facilities to the east.

Mr. Miller concluded stating that the proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Charles DiMaggio, petitioner, stated he was also representing Sterling Savings Bank, who is jointly involved in this venture. John Barker of Hobbs and

Black Associates, an architectural firm, and Lori Swanson, who provided the traffic impact study and who will summarize that study here for you this evening.

Mr. DiMaggio further stated that being here this evening is part of the process that they started with the City of Troy in 1998. Ongoing dialect occurred with the City and they have been very helpful and very cordial. A great deal of time was spent with Magna Corporation. Mr. DiMaggio further stated that there is a sliver of property, about a ½ acre along Troy Center Drive, that they are attempting to acquire. That they have had ongoing discussions with the adjacent Wilshire Subdivision regarding amending the deed restrictions for the parking structure. There will be 160,000 to 300,000 square feet of office building depending upon successful negotiations with Magna and the City.

Mr. Storrs asked if all the necessary property is assembled.

Mr. DiMaggio stated yes, there is sufficient land to support the project.

Mr. Littman asked the petitioner if Burton-Katzman/Sterling Bank owns the subject property.

Mr. DiMaggio stated it does.

Mr. Barker, Hobbs & Black Associates, architect for the petitioner, stated that they will present the tallest proposed project considered. However, the footprint will remain the same for all future proposals. The future building could consist of seven (7) to thirteen (13) stories and will be a real signature building on one of the last main corners of the City of Troy. The parking structure size will depend on the size of the building.

Mr. Barker further stated that Sterling Savings Bank will utilize this building as their headquarters. A full loop road will surround the building for easy access and fire emergencies. Also shown are elevations and the type of building which will consist of glass and pre-cast concrete with a stone look. They tried to keep a green space in the front of the building. They incorporated parking into the building which is really an extension of the office building.

Mr. Waller asked the petitioner if they are aware of the current Troy Zoning Ordinance regarding setbacks and height of high rise buildings.

Mr. Barker stated yes, that they are aware of the Zoning Ordinance requirements.

Ms. Lori Swanson, Traffic Engineer, based the traffic study on a 300,000 square foot building. She stated that coordination occurred with John Abraham, Traffic Engineer for the City of Troy. At the request of the City, a simulation mode allowed comparison of an old corridor with the existing corridor and background

conditions. Based upon this study, the recommended improvements were developed.

Mr. Kramer commented that the peak hours are noted at 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. He stated that peak hours for the Big Beaver corridor are more like 6:00 A.M. to 8:00 P.M., with lunch also being peak. In the future you might make note of the fact that our rush hour is a flat line of ten (10) peak hours.

Mr. Chamberlain commented on the subject property and asked what is the difference in traffic if we leave it as it is now, versus the proposed rezoning. How much more traffic is going to be generated without the rezoning.

Mr. Abraham stated, looking at the traffic from an overall perspective, it is not much different. Generally, the impact or increase is not dramatic.

Mr. DiMaggio stated that the marginal differences would be between the R-C at 17,500 square feet per acre and O-S-C at 30,000 square feet per acre versus the rezoning which would equal an additional 23,000 square feet of building. Ms. Swanson could address the traffic impact of additional density.

Ms. Swanson stated that a 27,000 additional square footage of building will have 33 A.M. peak trips per hour and 29 P.M. peak trips per hour trip totaling 219 additional trips during an entire day.

Public Hearing was opened.

Mr. Richard Hyke, 1321 Regis Court, stated that when Magna was allowed to build, there was an agreement with Magna that they would limit additional building. He commented that this rezoning allows them higher density. Further, he concluded that the agreement that was made with the residents should not be broken. Agreement should be checked into.

Public Hearing was closed.

Mr. Kramer asked Ms. Lancaster, Assistant City Attorney, that in the past, we have had very little time discussing deed restrictions; what is required or what is permissible related to deed restrictions.

Ms. Lancaster answered that the petitioner should address this issue as more information is needed.

Mr. DiMaggio stated that all three (3) homeowner associations signed off on the changes to the deed restrictions. They did get approval from all of them.

Ms. Lancaster stated that any type of deed restriction can be changed if the parties agree. It is not impossible to revise deed restrictions.

Mr. Waller stated that with Magna there was a lot of concern in the neighborhood about odors and break-ins. There was a gamut of fear. This resulted in building an additional setback distance for the parking lot. There was a lot of negotiation between Magna and the three (3) homeowner associations.

Mr. Wright stated that the neighborhood was concerned that Magna was going to move. This property is almost a full mile from Wattles Creek. Further he stated that he doesn't see why it would be difficult to get the homeowners to agree to changes in deed restrictions.

Mr. Waller stated that there should be plenty of sidewalks in any future development.

#### RESOLUTION

Moved by: Waller

Seconded by: Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-C to O-S-C rezoning request of 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75, be granted.

Yeas: All Present (8)

Absent: Pennington

#### RESOLUTION APPROVED

5. PUBLIC HEARING – PROPOSED REZONING (Z-674) – North side of Maple, West of Livernois, Section 28, B-2 to H-S

Mr. Miller stated that C-4 Motion, Inc. submitted a rezoning request for a 0.7343 acre/31,984 square feet parcel located on the north side of Maple and west of Livernois. Current zoning classification is B-2 Community Business and the proposed zoning classification is H-S Highway Service. Subject property has 60 feet of frontage on Maple and is 533 feet deep, which its shape and size limit the potential development capabilities. The petitioner states the intent to utilize the subject property as an exterior auto wash.

Mr. Miller further stated that the property is currently vacant. The adjacent land uses include: the detention area for the industrial buildings to the north, Maple Road and residential development in the City of Clawson to the south, Thunderbird Lanes Bowling Alley to the west, and a small medical office building

to the east and the detention area for Hidden Meadows Residential Development to the northeast.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property appears to be Non-Center Commercial, although it is clearly at the border with Light Industrial. The adjacent land use designations include: Medium Density Residential to the north, a Major Thoroughfare and the City of Clawson to the south, Light Industrial to the west, and Non-Center Commercial to the east.

Mr. Miller further stated that the current zoning district classification of the subject property is B-2 Community Business. The adjacent zoning district classifications include: M-1 Light Industrial to the north and west, the City of Clawson to the south, B-2 Community Business to the east and R-1E One Family Residential to the northeast.

Mr. Miller further stated that Section 23.40.00/01/02/03 of the Zoning Ordinance states that the H-S Highway Service District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan and policies related thereto, or with other land use policies of the City, and therefore, on a limited basis, may involve the following types of areas:

1. Areas indicated on the Master Land Use Plan for Non-Center Commercial use.
2. Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

Mr. Miller concluded stating that the proposed rezoning appears to be consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Littman asked if we notified Clawson of this request.

Mr. Miller answered yes and that there was no reply.

Mr. Waller stated that if it is considered light industrial, why can't the car wash be B-2 and they could then sell gas.

Mr. Miller answered no, auto washes are only permitted within the H-S zoning district, subject to Special Use Approval.

Mr. Cordell Craig, petitioner, stated that the use for this property is limited to a small building with incoming lanes and escape lanes. The conceptual site plan meets all requirements and he felt that this would be an excellent location for a car wash. There are no gas pumps proposed and there is absolutely no room for gas pumps.

Mr. Wright asked the petitioner if it is favorable for a car wash that doesn't sell gas.

Mr. Craig replied yes.

Mr. Waller stated that this building would be oriented towards Maple Road with no structure towards the north east where there is existing residential area.

Mr. Craig stated that the front yard setback is approximately 96 feet and the closest the building would be to any of the homes is approximately 1,000 feet.

Public Hearing was opened.

Ms. Moore, 6825 Dixie Highway, stated she was an attorney representing Thunderbird Lanes. That Thunderbird Lanes had several objections to the subject zoning request being granted. Further she stated that the Thunderbird Lanes is a B-2 use and is within the M-1 Light Industrial District. She stated that by granting this zoning request, the B-2 character is being changed. Further, she stated that this property originally belonged to Thunderbird Lanes and when Thunderbird Lanes sold this property, a deed restriction was imposed agreeing that this parcel of land would become an access road. They asked for the request to be denied.

Mr. Chamberlain asked the petitioner if there were any deed restrictions on this property.

Mr. Craig replied no.

Mr. Clifford J. Dovitz, 27950 Orchard Lake Road, stated he sent a letter of objection and that he, along with the Maple Medical Associates, object to this rezoning request. He stated that they think it is out of character and there are other uses permitted in the H-S classification besides an exterior auto wash. An exterior auto wash seems to be totally out of character next to a medical building and spot zoning is not permissible.

Mr. Dovitz further stated that there is a rather large subdivision bordering this property and with the nature of the proposed use and the amount of traffic, the property would not only be out of character, but also a concern for the safety and welfare of the people using Maple Road and the homeowners. It is inappropriate to rezone this small piece of property to H-S.

Public Hearing was closed.

Mr. Starr asked what is Thunderbird Lanes zoning.

Mr. Miller replied it was M-1 Light Industrial.

Mr. Starr asked if we were to recommend this subject zoning request, Thunderbird Lanes could then go ahead and request rezoning to B-2.

Mr. Miller replied yes, they could request a rezoning.

Mr. Kramer asked for some examples of uses permitted in the B-2 zoning district.

Mr. Miller answered bakery, grocery, etc.

Mr. Kramer stated uses like a pizza parlor or a 24 hour 7-11 is permitted.

Mr. Miller replied yes and B-2 would also permit a showroom or work shop use.

Mr. Kramer stated that an 18 foot wide 7-11 or a 2½ lane bowling alley, is it really feasible.

Mr. Storrs commented that a sixty (60) foot width of the property limits what could be built. You couldn't use a B-2 district and conform to the setbacks.

Mr. Kramer commented that in the district, auto washes are a Special Use and the Planning Commission can require conditions.

Mr. Miller commented yes, conditions could be applied to Special Uses.

Mr. Chamberlain stated that if HS is literally spot zoning and that's the way it works, that could help in our decision.

Mr. Storrs commented that the subject property was alleged to be an access road to the condominium complex.

Mr. Kramer commented that additional restrictions or conditions could be used if we had a H-S Special Use Request.

Mr. Miller replied under Special Use you are permitted to apply special conditions.

Mr. Keoleian asked about setbacks.

Mr. Craig answered setbacks were in place on the conceptual site plan.



Mr. Reece stated he was concerned with the land being sold with deed restrictions. How does a property have two (2) deed restrictions and then have them removed?

Mr. Craig, petitioner, replied if there are deed restrictions, please show them to him because he is not aware of any deed restrictions.

Mr. Kramer asked why should we approve rezoning if there are deed restrictions.

Mr. Chamberlain stated that if someone protests because of deed restrictions, it makes no difference whether it is B-2 or H-S. It is a mute point. We are looking at a rezoning issue.

Mr. Littman stated somebody owns this land. He was not sure what else you could build on this parcel.

Mr. Storrs asked if there is enough room on the subject property to permit any other uses.

Mr. Miller stated if the property stands alone, not much really fits, except an auto wash.

## RESOLUTION

Moved by: Littman

Seconded by: Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-2 to H-S rezoning request of a 0.7343 acre/31,984 square feet parcel of land located on the located north of Maple and west of Livernois, be granted subject to the following condition: That the question of deed restrictions be resolved prior to the City Council public hearing.

Yeas

Storrs  
Chamberlain  
Reece  
Wright  
Littman  
Waller  
Starr

Nays

Kramer

Absent

Pennington

RESOLUTION APPROVED

Mr. Kramer's decision to vote against the resolution was based on the following:

1. H-S is not within the character of the surrounding area in the City of Clawson.
2. Could be used as B-2 zoning; albeit, a very small building.
3. Concern over the deed restriction issues.

### **SITE PLANS**

6. **SITE PLAN REVIEW (SP-263)** – Proposed White Castle Restaurant Re-build, East side of John R, South of Big Beaver, Section 25

Mr. Miller stated that the White Castle System, Inc. submitted a site plan to totally rebuild a White Castle Restaurant that is one story in height on a 1.24 acre, B-3 zoned parcel having 142 feet of frontage on the east side of John R and south of Big Beaver. The site plan includes 2,003 square feet building and a small accessory storage structure attached to the dumpster enclosure. This proposal improves the traffic circulation related to the drive-up window for the facility and provides vehicular cross-access agreements to the north, south and east property lines.

Mr. Miller also stated that the subject site plan meets the applicable Zoning Ordinance requirements and no natural features are located on the subject property. Approval of the site plan was recommended.

### **RESOLUTION**

Moved by: Littman

Seconded by: Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the White Castle Restaurant Re-build on a 1.24 acre B-3 zoned site, having 142 feet of frontage on the east side of John R and south of Big Beaver is hereby granted.

Yeas: All Present (8)

Absent: Pennington

**RESOLUTION APPROVED**

7. SITE PLAN REVIEW (SP-867) – Proposed Hare Express Building Expansion, South side of Big Beaver and East of Rochester, Section 26.

Mr. Miller stated a Site Plan has been submitted for the expansion of Hare Express Building, a shipping and receiving truck depot, being 6,342 square feet in size and two stories in height, on a 7.15 acre M-1 zoned site having approximately 43 feet of frontage on the south side of Big Beaver and east of Rochester. The subject property also includes improvements for the off street parking and traffic circulation of autos and trucks. There is an existing stormwater detention basin on the subject property. The Buckeye Pipeline easement, 30 feet wide, bisects the southeast corner of the subject property. The existing 16,650 square feet facility was not required to obtain Planning Commission Site Plan Approval.

Mr. Miller further stated that the Natural Features Map does not indicate any natural features on the subject property; however, the City's Environmental Specialist recommends the use of oil/water separators within the stormwater collection system due to the use of the property.

Mr. Miller further stated that the access will continue to be on Big Beaver, although it is in an area of three driveways. Consolidation of these driveways was discussed with the petitioner's architect and City's Traffic Engineer. All parties agreed that the access to the subject property and adjacent properties could be improved, however, the petitioner appears unable to negotiate consolidation of the driveways. Mr. Miller concluded stating that all applicable Zoning Ordinance requirements have been met.

Mr. Kevin Hart, Petitioner, stated the building was built in 1971 and since that time there has been very little improvements on it. New construction will include conference rooms, employees' lounge, and a few offices. The building to the north that Mr. Miller mentioned makes traffic confusing.

Mr. Hart further stated that the building would improve ADA accessibility and that the proposed site plan would not be dangerous. The driveway and parking lot are currently all one and it is an active site with trucks, but is not dangerous. He commented on the driveway and noted changes are a good idea. Also, a greenbelt is proposed and we have worked hard to conform to landscaped open space requirements. Mr. Hart commented that they would like to see some of the curb cuts removed.

Mr. Storrs stated that it would be to the petitioner's advantage to make the layout and access safer.

Mr. Chamberlain stated that the Planning Commission might want to table the case because of the cross-access easement problems.

Mr. Storrs stated that the petitioner does not own the northern building.

Mr. Hart replied yes, that's right.

Mr. Storrs stated that the Planning Department asked for cross-access and the other property owner is out of control of the petitioner. The Planning Commission shouldn't hold up the petitioner.

Mr. Wright stated that there is no incentive for the owner to the north to rip up the existing driveway. He commented that the Planning Commission should not hold the petitioner hostage.

## RESOLUTION

Moved by: Wright

Seconded by: Storrs

RESOLVED, that Preliminary Site Plan Approval, as requested for the expansion of Hare Express Building, a shipping and receiving truck depot, being 6,342 square feet in size and two stories in height, on a 7.15 acre M-1 zoned site having approximately 43 feet of frontage on the south side of Big Beaver and east of Rochester, Section 26, be granted, subject to the following condition: Cross-access to be provided from the petitioner's driveway to the property to the south.

Yeas: All Present (8)

Absent: Pennington

## RESOLUTION APPROVED

8. SITE PLAN REVIEW (SP-866) – Proposed River Bend Condominiums, South side of Long Lake, West of Rochester, Section 15.

Mr. Miller stated that Choice Development has submitted a Site Plan for the River Bend Condominiums, located on the south side of Long Lake and west of Rochester. The subject property is within the CR-1 Zoning District and having 4.54 acres of land. The petitioner indicates 14 attached condominium units with access via Long Lake Road and the use of a private road. The City's wetlands consultant delineated two areas of potentially regulated wetlands, near an unnamed stormwater drain on the subject property. The petitioner will be required to obtain a Wetlands Permit from the MDEQ before construction on the subject property. The wetlands areas have not been identified specifically as a park or wetlands preservation area. Clarification of the method of dedication of the

wetlands as open space, whether that be a conservation easement, condominium preservation area or other method should be provided by the petitioner.

Mr. Miller further stated that within the 50 setback from Long Lake Road, the Site Plan includes landscaping that varies from the requirement of Section 11.50.04. This section requires a double row, 10 feet apart of coniferous evergreens, 20 feet on center, and staggered 10 feet on center. The petitioner has scattered the evergreens with deciduous trees. This berm is a discretionary requirement vested in the Planning Commission. Although the plantings do not meet the specific standards of the noted section, it appears to meet the intent of the requirements with the use of creativity.

Mr. Miller further stated that there is a storm water detention basin proposed within the condominium. This would remain part of the condominium and maintenance would be the responsibility of the condominium association.

Mr. Miller further stated that the subject parcel cannot be developed in the traditional sense, where a double loaded subdivision street is utilized. The use of clustering has permitted the maximization of residential unit density, while impacting the wetlands slightly in the southeast area of the development, units 13 and 14. While a self-contained condominium is proposed, the Planning Department recognizes that Nada is a stub street to the west of the subject property. Potentially, interconnection could occur with the subject property from the Covington Ridge and Covington Ridge #3 Subdivisions, however, the regulated wetlands and un-named drain are a barrier to this interconnection. Due to the size limitations and natural features characteristics of the subject property, the proposed condominium appears to be a reasonable proposal.

Mr. Miller concluded stating that the intent is to have sidewalks for the project and that the architect may address this issue a little more.

Mr. Littman asked if this was a public road or a private road.

Mr. Miller replied private.

Mr. Littman commented that the petitioner is putting sidewalks in.

Mr. Miller replied yes. However, they should be shown more clearly. The plan should indicate sidewalks on all frontages.

Mr. Storrs commented on the parcel immediately to the west and asked if we have anything in the file.

Mr. Miller replied he didn't know.

Mr. Storrs stated that we do not want to leave this hanging. We need to create that sketch. What about the property to the south. South is still residentially owned.

Mr. Miller replied yes.

Mr. Storrs asked how would this property be developed.

Mr. Miller stated he would have to prepare a plan to show potential development.

Petitioner, Mr. David Donnellon, introduced Mr. Youseff H. Chehayeb, Vice President of Choice Development Corporation. Mr. Donnellon stated that Wetlands are part of the common areas and the Site Plan indicates a preservation area that is open space. Further, he stated that sidewalks do follow the edge of the road; however, the drafting pattern is not shown. These are single-loaded roads and there is no need for sidewalks along the drive where there are no condominium units. He didn't feel that sidewalks on both sides would be required at this time; however, they will revise our drawings to indicate sidewalks if required.

Mr. Storrs asked if the petitioner has a sketch of the concept with Nada extending to the subject property.

Mr. Donnellon replied they do not.

Mr. Storrs asked if the vacant parcels adjacent to Sara Drive are open space or wetlands. In addition, is there a City owned parcel to the property.

Mr. Chamberlain asked for comments.

Mr. Kramer questioned the density of the proposed condominiums and if all the city building codes will be met. He then asked what kind of fire reduction was being used.

Mr. Donnellon replied that fire walls go to the roof line.

Mr. Waller asked the petitioner what will you do to protect the trees on site to ensure a bulldozer doesn't come along and knock down all the trees. The city chooses not to be concerned about that, but the Planning Commission is concerned. What's your commitment to the community to save the trees where feasible.

Mr. Donnellon replied that they will use a snow fence at the trees drip line.

Mr. Waller asked the petitioner if he would be willing to pay a \$10,000 fine in order to save the trees.

Mr. Chehayeb stated that the units are located where there are no trees.

Mr. Waller asked how will the trees be saved.

Mr. Waller stated his question was not answered.

Mr. Chamberlain asked if there are going to be any fences or walls.

Mr. Miller replied none are required.

Mr. Donnellon stated that none are proposed, although the east property line fencing is a possibility.

Mr. Chamberlain stated that the petitioner should avoid walls, they kill trees. He stated that the problem is trench footings.

Mr. Chehayeb stated no walls or fencing are proposed.

Mr. Starr stated that we resolved the problem on the east side of the street, but does the west side of the street require sidewalks. The easement is shown on both sides of the road. The question is can the sidewalk be waived.

Mr. Chamberlain stated we need to sort out the sidewalk issue tonight.

Mr. Wright stated that he doesn't see any reason to run a sidewalk up the east side of that road.

## RESOLUTION

Moved by: Waller

Seconded by: Wright

Resolved, that Preliminary Site Plan Approval request for the River Bend Condominiums, located on the south side of Long Lake and west of Rochester, being 4.54 acres, within the CR-1 Zoning District, be granted, subject to the following conditions:

1. No sidewalks on the east side of River Bend Trail, north of Unit #14.
2. Any trees that are to be preserved shall be protected by a snow fence, placed at the drip line of the protected trees.
3. Trench footings will be prohibited for any fencing or walls.

## RESOLUTION

Yeas: All Present (8)

Absent: Pennington

## RESOLUTION APPROVED

Moved by: Waller

Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the private street system proposed to serve the Residential Condominium on the south side of Long Lake and west of Rochester, being 4.54 acres, within the CR-1 Zoning District be approved in accordance with the site plan as described as C-1 as presented and approved on this date, in accordance with Section 11.80.01 of the Zoning Ordinance, subject to utility easements as determined to be necessary by the City Staff, be granted, subject to the following conditions:

1. No sidewalks on the east side of River Bend Trail, north of Unit #14.
2. Any trees that are to be preserved shall be protected by a snow fence, placed at the drip line of the protected trees.
3. Trench footings will be prohibited for any fencing or walls.

## RESOLUTION

Yeas: All Present (8)

Absent: Pennington

## RESOLUTION APPROVED

9. SITE PLAN REVIEW – Proposed Rhode Island Estates Site Condominium, North of Big Beaver, East and West sides of Rhode Island, Section 24.

Mr. Miller stated that D & G Development & Construction Co. LLC submitted a Site Plan for the Rhode Island Estates Site Condominium. The subject property consist of lots 39, 40 and 41 of Big Beaver Poultry Farms Subdivision comprising 1.99 acres in size and within the R-1E Zoning District, located north of Big Beaver and on the east and west sides of Rhode Island, south of Orpington. Access is proposed from a relocated and currently unimproved Rhode Island Drive. A total of 7 units are proposed including a stormwater detention basin located in the southwest corner of the site condominium.



Mr. Miller further stated that the Planning Department worked with the developer to relocate Rhode Island Drive to increase the depth of units 1, 2, and 3. These units range from 95 to 115 feet in depth, which is shallow and creates some difficulty in building homes on the units. The existing Rhode Island Drive will then be required to be vacated and the new right-of-way dedicated by the petitioner. Three drawings are attached that were prepared by the Planning Department with the intent of increasing the building envelopes and depth of units 1, 2, 3 and 4. These drawings also serve as the Planning Department's plat of exception, depicting the potential future connection of public roads and development. The petitioner is expected to provide an additional plat of exception, however, it was not provided for the agenda package.

Mr. Miller further stated that the City of Troy Natural Features Map indicates woodlands on the subject property while no wetlands are indicated on the map. The City's Environmental Specialist recommended the petitioner submit a wetlands determination.

Mr. Miller concluded that all applicable ordinance requirements are met, however, the shallow depth of units 1,2, 3 and 4 appears to be undesirable. The petitioner should provide the future road and development patterns to fully understand the ultimate build-out of the general area.

Mr. Storrs asked if units 1 through 4 meet the ordinance requirements.

Mr. Miller replied yes; however, there is a goal of minimum depth.

Petitioner, Mr. Victor DiFlorio, stated that these seven lots would be completed by late winter or early spring and four more lots by the end of the year 2002.

Mr. DiFlorio further stated that he realizes the platted street creates shallow depths and understands the Planning Department's intent. He states they also are aware of the limitations of the proposed units and that they will build accordingly. Also, Rhode Island will have temporary turnarounds.

Mr. DiFlorio further stated that they are in negotiations with the property owners to the south and west in order to develop similar to Cedar Ridge Estates.

Public Hearing was opened.

Mr. Dean Daggart, 2226 Orpington, stated he lives directly east of this development, has been a resident for thirty (30) years and is in agreement about saving trees. He did not necessarily object to the proposal, but is looking for some consideration. Thirty years ago traffic was not a problem and Orpington had only one entrance then and that the new Farmer Jacks has created traffic problems. There are traffic problems at both ends of Orpington and feels that the proposed project will add to traffic problems. Also, Orpington does not have

sidewalks or street lights. It is a rural atmosphere and he enjoys it that way, but there is a safety factor with no sidewalks. He asked the Planning Commission to table the item. Also, he has received two notices that this property is within the wetlands. Other problems are that lots 1, 2, and 3 of the project are a little short in depth. He stated willingness to sell his two (2) acres to increase the depth of the proposed units. Finally, he asked the Planning Commission to table the item and to include his property within the project.

Mr. Chamberlain asked if we have a plat of exception all the way to John R.

Mr. Miller replied the staff requested the information, but it was not provided.

Mr. Chamberlain stated there are no sidewalks on Orpington and it is a problem. The existing homes are going to remain and if there is a connection with Cedar Crest II, then there is additional problems.

Mr. Waller stated that we are just beginning to receive these types of development requests and we need to make good decisions.

Mr. Kramer stated that one of things we may want to consider is not changing the character of this neighborhood. Maybe it shouldn't be developed.

Mr. Chamberlain stated R-1E Zoning District permits a lot of lots.

Mr. Kramer stated that the current residents and homeowners may want to preserve the character of the neighborhood.

Mr. Mike Tawny, 37476 Camellia, Clinton Township, MI, owner of the parcel immediately south of the proposed site and just west of the Big Beaver Poultry Farms stated he has not been in contact with the gentlemen who is proposing this development. He is aware that the proposal has limited potential; however, perhaps some more insightful planning would make this project more desirable. That would be a better approach.

Mr. Chamberlain stated that the real problem is with trying to tie the development with Cedar Knoll and Rhode Island.

Mr. Waller stated that it may be wise to table this item for thirty (30) days to let petitioner and other interested parties to speak among themselves and the City's Planning Department.

Mr. DiFlorio stated that they were not connecting to the south.

Mr. Chamberlain stated that there are a lot of problems on Orpington. The Planning Commission owes it to the people who live there and ourselves to plan the proposed development correctly.

Mr. DiFlorio stated that Cedar Ridge was going to tie to the west.

Mr. Chamberlain stated there is a lot of vacant land and good planning is necessary prior to development.

Mr. Storrs stated a scheme and road pattern needs to be created so it doesn't connect to Orpington and Big Beaver.

#### RESOLUTION

Moved by: Waller

Seconded by: Littman

RESOLVED, that Preliminary Site Plan Approval, as requested for Rhode Island Estates Site Condominium, North of Big Beaver, East and West sides of Rhode Island, Section 24, be tabled for ninety (90) days until the February regular meeting, to allow the petitioner time to discuss the issues between the petitioner and the parties involved along with the City's Planning Department.

Yeas: All Present (8)

Absent: Pennington

RESOLUTION APPROVED

#### RESOLUTION

Moved by: Wright

Seconded by: Starr

RESOLVED, that Cindy Pennington be excused from attendance at this meeting.

Yeas: All Present (8)

Absent: Pennington

RESOLUTION APPROVED

FOR THE GOOD OF THE ORDER

Mr. Littman, referring to Sandalwood, asked what could the Planning Commission have done different. Doesn't the developer have to inventory their trees.

Mr. Miller stated that only trees 4-10 inches d.b.h. in size are required to be inventoried. There are no requirements to mandate preservation of trees.

Mr. Storrs commented on 4-10 d.b.h. inch trees and anything over ten (10) d.b.h. inches you don't have to save.

Mr. Miller stated you do not have to inventory those trees and there are no requirements that mandate preservation of trees.

Mr. Storrs stated that the BZA denied JAX car wash expansion of non-conforming use for gasoline pumps.

Mr. Reece thanked Mark Miller for the seminar packages.

Mr. Miller stated to those who attended the seminar on Mackinaw Island to be sure to get their expense reports in.

Ms. Lancaster stated it has been a pleasure working with the Planning Commission and Planning Department.

Mr. Chamberlain commented on:

1. Mark Miller's appointment as Planning Director.
2. At the next study session, be prepared to discuss the sessions attended at the Michigan Society of Planning Conference.
3. Mark Miller prepared a Troy Baptist PUD analysis, which was distributed to the Planning Commission members.

MEETING ADJOURNED 10:30 P.M.

Respectfully submitted,

Mark F. Miller  
Planning Director